

1 ROB BONTA, State Bar No. 202668  
Attorney General of California  
2 ANNADEL ALMENDRAS, State Bar No. 192064  
Senior Assistant Attorney General  
3 SIERRA S. ARBALLO, State Bar No. 278885  
Supervising Deputy Attorney General  
4 COLLEEN R. FLANNERY, State Bar No. 297957  
DANIEL M. FUCHS, State Bar No. 179033  
5 JEFFREY P. REUSCH, State Bar No. 210080  
DEBORAH A. WORDHAM, State Bar No. 180508  
6 Deputy Attorneys General  
1300 I Street, Suite 125  
7 P.O. Box 944255  
8 Sacramento, CA 94244-2550  
Telephone: (916) 210-7827  
9 Fax: (916) 327-2319  
E-mail: Daniel.Fuchs@doj.ca.gov  
10 *Attorneys for Plaintiffs*  
*California Natural Resources Agency,*  
11 *California Environmental Protection Agency, and*  
*People of the State of California, ex rel.*  
12 *California Attorney General Rob Bonta*

13  
14 **UNITED STATES DISTRICT COURT**  
15 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

16 CALIFORNIA NATURAL  
17 RESOURCES AGENCY, *et al.*,

18 Plaintiffs,

19 v.

20 HOWARD LUTNICK, in his official capacity  
21 as Secretary of Commerce, *et al.*,

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No. 1:20-cv-00426 JLT EPG

**STIPULATION AND (PROPOSED)  
ORDER OF DISMISSAL**

**RECITALS**

Whereas, California Natural Resources Agency Plaintiffs (“*CNRA* Plaintiffs”) filed this action against Federal Defendants on February 20, 2020, challenging the adoption of a pair of biological opinions (“2019 Biological Opinions”) issued pursuant to the Endangered Species Act (“*ESA*”) regarding the long-term operation of the Central Valley Project and State Water Project (“*Water Projects*”), and the associated 2019 Environmental Impact Statement (“*EIS*”) and 2020 Record of Decision issued under the National Environmental Policy Act, (“*NEPA*”), as well as alleging violations of the California Endangered Species Act, *see* Dkts. 1, 51;

Whereas, multiple Defendant-Intervenors intervened in the case to defend the 2019 Biological Opinions and 2020 Record of Decision;

Whereas, a related case challenging the 2019 Biological Opinions and 2020 Record of Decision, *Pacific Coast Federation of Fishermen’s Associations et al. v. Ross et al.*, No. 1:20-cv-00431 (“*PCFFA*”), was previously filed on December 2, 2019, and the Court has held joint proceedings in the two related cases;

Whereas, on May 11, 2020, the Court granted in part and denied in part *CNRA* Plaintiffs’ motion for preliminary injunction, Dkt. 106 at 35;

Whereas, on September 30, 2021, Federal Defendants reinitiated consultation on the challenged 2019 Biological Opinions, *see* Dkt. 276 at 14;

Whereas, on March 11, 2022, the Court granted Federal Defendants’ motion for voluntary remand without vacatur of the 2019 Biological Opinions and 2020 Record of Decision and stayed the litigation through September 30, 2022 so that Federal Defendants could engage in the reconsultation process, *see id.* at 122; Dkt. 277;

Whereas, the Court subsequently continued the stay of the litigation, *see* Dkts. 321, 322, 337, 357, 358, 392;

Whereas, Federal Defendants published new biological opinions regarding the long-term operation of the Water Projects in November and December 2024 and issued a new Record of Decision on December 19, 2024<sup>1</sup>, *see* Dkts. 378, 379;

Whereas, Federal Defendants will not operate the Central Valley Project pursuant to the 2019 Biological Opinions and the 2020 Record of Decision adopting the 2019 Biological Opinions because those documents have been superseded;

Whereas, *CNRA* Plaintiffs seek to voluntarily dismiss this action without prejudice,

Whereas, *CNRA* Plaintiffs reserve all rights to raise the claims and arguments they have raised in this action in the future, including if Federal Defendants return to operations set forth in the 2019 Biological Opinions or 2019 EIS;

Whereas, all parties who have appeared in this *CNRA* action are signatories to this stipulation;

Whereas, this stipulation does not address the *PCFFA* action;

### STIPULATION

NOW THEREFORE, *CNRA* Plaintiffs, Federal Defendants, and Defendant-Intervenors hereby stipulate to dismissal of this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a), and respectfully request that the Court enter the accompanying proposed order dismissing *CNRA* Plaintiffs' action.

Respectfully submitted,

Dated: December 22, 2025

ROB BONTA  
Attorney General of California  
ANNADEL ALMENDRAS  
Senior Assistant Attorney General  
SIERRA S. ARBALLO  
Supervising Attorney General

/s/ Colleen R. Flannery

<sup>1</sup> The United States Bureau of Reclamation has since issued a superseding Record of Decision on December 4, 2025. *CNRA* Plaintiffs do not concede the validity, legality, or effect of the December 4, 2025 Record of Decision.

COLLEEN R. FLANNERY  
DANIEL M. FUCHS  
JEFFREY P. REUSCH  
DEBORAH A. WORDHAM  
LAUREN ASHLEY WEEK  
Deputy Attorneys General  
*Attorneys for Plaintiffs California  
Natural Resources Agency, California  
Environmental Protection Agency, and  
People of the State of California, ex rel.  
California Attorney General Rob Bonta*

ADAM R.F. GUSTAFSON, Acting  
Assistant Attorney General  
U.S. Department of Justice  
Environment & Natural Resources  
Division  
NICOLE M. SMITH, Assistant Section  
Chief

/s/Kamela Caschette

ROMNEY S. PHILPOTT, III, Senior  
Trial Attorney (CO Bar No. 35112)  
999 18th Street, South Terrace – Suite  
370, Denver, CO 80202  
Tel: (303) 844-1810

KAMELA A. CASCHETTE, Trial  
Attorney (New York Bar)

CAITLYN COOK, Trial Attorney (MD  
Bar No. 2112140244)  
150 M St. NE, Washington, D.C. 20002  
Tel: (202) 598-7775

EMILY A. POLACHEK, Trial Attorney  
(MN Bar No. 0390973)  
5600 American Blvd. W., Suite 650,  
Bloomington, MN 55437  
Tel: (202) 598-9344

*Attorneys for Federal Defendants  
Attorneys for Federal Defendants*

1 PARIS KINCAID WASIEWSKI, LLP

2 /s/ Timothy Wasiewski

3 TIMOTHY WASIEWSKI

4 *Attorneys for Intervenor-Defendant*

*South San Joaquin Irrigation Dist.*

5 VAN NESS FELDMAN LLP

6 /s/ Jenna R. Mandell-Rice

7 JENNA R. MANDELL-RICE, Pro Hac

8 Vice

9 *Attorney for Intervenor-Defendant State*

*Water Contractors*

10 STOEL RIVES LLP

11 By: /s/ Kristen Castaños

12 KRISTEN CASTAÑOS

13 *Attorneys for Defendant-Intervenor SAN*

14 *JUAN WATER DISTRICT*

15 KRONICK, MOSKOVITZ,

16 TIEDEMANN & GIRARD

A Professional Corporation

17 /s/ Daniel J. O'Hanlon

18 DANIEL J. O'HANLON

19 *Attorneys for San Luis & Delta-Mendota*

20 *Water Authority and Westlands Water*

*District*

21 SOMACH SIMMONS & DUNN

22 A Professional Corporation

23 By: /s Andrew Hitchings

24 ANDREW HITCHINGS

25 *Attorneys for Defendant-Intervenors*

26 *Glenn-Colusa Irrigation District;*

27 *Reclamation District No. 1004; Conaway*

28 *Preservation Group, LLC; Anderson-*

*Cottonwood Irrigation District; David*

*and Alice teVelde Family Trust; Pelger*

*Road 1700, LLC; City of Redding; and*

*Knights Landing Investors, LLC*

1 DOWNEY BRAND LLP

2 /s/ Meredith Nikkel

3 MEREDITH E. NIKKEL

4 *Attorneys for Intervenor-Defendants*  
5 *Tehama-Colusa Canal Authority;*  
6 *Reclamation District No. 108; Beverly F.*  
7 *Andreotti, Et Al.; Carter Mutual Water*  
8 *Company; Henry D. Richter, Et Al.;*  
9 *Howald Farms, Inc.; Maxwell Irrigation*  
10 *District; Meridian Farms Water*  
11 *Company; Natomas Central Mutual*  
12 *Water Company; Oji Brothers Farm,*  
13 *Inc.; Pelger Mutual Water Company;*  
14 *Pleasant Grove-Verona Mutual Water*  
15 *Company; Princeton-Codora-Glenn*  
16 *Irrigation District; Provident Irrigation*  
17 *District; River Garden Farms Company;*  
18 *Sutter Mutual Water Company; Tisdale*  
19 *Irrigation and Drainage District; and*  
20 *Windswept Land and Livestock*  
21 *Company.*

16 BKS LAW FIRM, PC

17 /s/ Jennifer T. Buckman

18 JENNIFER T. BUCKMAN

19 *Attorneys for Contra Costa Water*  
20 *District, City of Folsom, and City of*  
21 *Roseville*

22 KAPLAN KIRSCH LLP

23 /s/ Matthew G. Adams

24 MATTHEW G. ADAMS

25 *Attorneys for Friant Water Authority and*  
26 *Arvin-Edison Water Storage District*

27 O'LAUGHLIN PLC

28 /s/ Tim O'Laughlin

TIM O'LAUGHLIN

*Attorneys for Oakdale Irrigation District*

**[PROPOSED] ORDER**

Pursuant to the parties' stipulation, the Court hereby ORDERS that this action is  
DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

IT IS SO ORDERED.

Dated: **December 30, 2025**

  
UNITED STATES DISTRICT JUDGE